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JAN 29 2007

REMARKS

The Examiner is thanked for entering the Amendment of July 27, 2006.

In paragraph 3 of the Office Action, claims 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Valyi in view of Schellenbach.

Reconsideration is requested.

Claims 22 to 24 have been cancelled and new claims 25 to 27 have been submitted, in order to clearly distinguish Applicant's invention from the Valyi and Schellenbach patents.

New claim 25 points out that the inner gasket is also integrally molded with the covering element and is made of a second material different from the first material which forms all of the other integral parts of Applicant's container. New claim 25 corresponds substantially to canceled claim 22 which has been rewritten to delete repetitive subject matter.

The Valyi patent discloses an injection-molded container having an integrally formed container body, with a hinge located at the rim of the container body, and covering element. However, Valyi specifically relates to a sealable and reclosable fluid tight bag of a pliable material having an integral closure. This container has a top rim adapted to form the opening of the bag. The top rim is preferably made by injection molding an organic plastic material and the bag that extends from the rim is also made by injection molding but is adapted to be expanded in size as by blowing or by filling the bag with a liquid or other material.

This prior art bag is not adapted for use as a container for cosmetic products. Moreover, it does not comprise an integrally formed annular gasket. Actually, the closure lid of the Valyi patent has an indentation 15 that forms a shoulder that fits in the opening of the rim 10. This shoulder is not a sealing gasket, since, as the term clearly indicates, a gasket should be considered as a separate element providing a tight closure of an opening. In this prior document, the "gasket" 14 is actually a circular portion which has been directly formed by providing a recess in the cover. Thus, Applicant does not agree with the assertion of the Examiner that the covering element of Valyi has an integrally formed annular gasket since, as stated, this cannot be considered as a gasket proper.

No reference has been cited in support of the Examiner's assertion that "it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form the covering element and annular gasket of Valyi as two separate elements of one hard (plastic) material and one soft (plastic) material, respectively, as taught by Schellenbach, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art". There is no disclosure in either Valvi or Schellenbach that directs one skilled in the art to combine the teachings of these references. In the present case, the "formerly integral structure" would be the annular portion 14 and the recess 15. These elements are not two parts of a structure but are the same structure which has been specifically shaped by molding to define the recess 15

therein and then the projecting "gasket" 14. It is not possible to separate from such a structure the projecting part 14 which defines the "gasket" and the other part of the same cover construction.

Thus, it is respectfully submitted that the prior integral construction cannot be separated in component parts since, as stated, the cover construction does not comprise integral parts but is merely a structural construction which has been specifically shaped to define a projecting part also adapted to operate as a "gasket". Thus, one skilled in the art, at the time the invention was made, would have not been directed to combine the teachings of Valyi and Schellenbach to make a cover including two integrally molded parts of different materials as pointed out in the newly presented claims. Valyi does not disclose a cover including two parts but does disclose a shaped cover construction defining a recess and consequently a projecting portion which could operate as a gasket. However, such a gasket cannot be molded, with the lid construction of Valyi, from two different parts, contrary to the assertion of the Examiner.

Accordingly, allowance of new claim 25 is respectfully requested.

New claim 26 substantially corresponds to previous claim 23, and points out a method for making the integral container of Applicant, wherein the integral container is provided with an integral cover including on an inner surface thereof an integral gasket, and wherein the container is made by injecting a first material and by injecting a second material different from the first material for forming the

gasket.

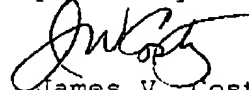
The two cited references do not make obvious this method. Thus, allowance of new claim 26 is respectfully requested.

Finally, new claim 27 substantially corresponds to canceled claim 24. Applicant has noted that the Examiner has not specifically objected to claim 24. In fact, none of the prior art patents teach the formation of a container with an open bottom and further forming, by blow molding through the top mouth and the open bottom of the container, a cosmetic product vial or tube. Thus, new claim 27 defines an unobvious method which combines injection molding and blow molding which, starting from an injection made container body, allows to provide an integral cosmetic product container assembly including a bottom blown container.

As stated, none of the prior art documents either addresses or suggests the subject matter of new claim 27 and accordingly, allowance of new claim 27 too is respectfully solicited.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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